

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN PASSMORE,)	
)	
Plaintiff,)	Case No. 1:10-cv-158-SJM-SPB
)	
v.)	
)	
JEFFREY BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was commenced on June 28, 2010 when Plaintiff's Motion for Emergency Transfer, Preliminary Injunction and/or TRO was received by the Clerk of Court. The matter was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Plaintiff's complaint was filed on September 3, 2010.

The Magistrate Judge's Report and Recommendation, filed on March 30, 2011 [21], recommends that the instant civil rights action be dismissed for Plaintiff's failure to prosecute. Plaintiff was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI-Forest, where he is incarcerated. No objections to the Report and Recommendation have been filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th Day of May, 2011;

IT IS ORDERED that the instant civil rights action be, and hereby is, DISMISSED for Plaintiff's failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on March 30, 2011 [21], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter